

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

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Case No. ELH-19-0115
RDB-11-0547

v.

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**GARY HORTON
DEFENDANT**

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EMERGENCY MOTION FOR DETENTION HEARING

NOW COMES, the Defendant, Gary Horton, by Counsel, Ryan Burke, and respectfully requests this Honorable Court to release Mr. Horton to home confinement.

1. On or about March 21st, 2019, Mr. Horton was arrested and given his initial appearance regarding both his current pending case (ELH-19-0115) and his violation of his supervised release (RDB-11-0547). On that same day, Mr. Horton consented to detention and was detained in federal custody.

2. Mr. Horton is currently housed at the Chesapeake Detention Facility (CDF), located at 401 East Madison Street, Baltimore, Maryland 21202 .

3. On June 23rd, 2020, Mr. Horton was provided with a cell-mate, that remain unnamed. On June 25th, 2020, this individual tested positive for the COVID-19 virus. On that same day, both Mr. Horton and his cell-mate were moved into quarantine.

4. Mr. Horton's medical treatment has consisted of his temperature being taken daily, however as of July 8th, 2020, he is still in quarantine and has not been tested for the COVID-19 virus.

5. This has created extreme anxiety for both Mr. Horton and his family. It is Counsel's understanding that new inmates, who have recently entered the jail, need to test negative for the COVID-19 virus prior to being housed with other inmates. If this is the case, Mr. Horton was needlessly exposed to the virus due to the potential negligence of public safety and CDF. Mr. Horton does not believe that this was an

isolated incident and that he will be further exposed if released from quarantine and returned to the general population.

6. Mr. Horton may have a pre-existing condition. On November 28th, 2019 at approximately 9 P.M. Mr. Horton, after having shortness of breath, was found on the floor of his cell. By the time he woke up, he was on a stretcher and was brought to Mercy Medical Center, located at 227 St. Paul Place, Baltimore, Maryland.

7. Mr. Horton indicates that the treating Doctor stated that he had a seizure, however without a brain scan they would not be sure if it was epileptic in nature.

8. The next day, November 29th, 2019, at 6:30 A.M. Mr. Horton was discharged and sent back to CDF. On that same day, at approximately 11 P.M., Mr. Horton suffered from the same symptoms and woke up in a wheelchair in the medical unit of CDF. Although he was told that he would get the tests done in order to confirm his diagnosis, those tests were never provided.

9. Counsel respectfully requests that the Court order the Chesapeake Detention Facility and Mercy Medical Center to provide any and all medical records pertaining to Mr. Horton.

10. Counsel respectfully requests that the Court order the Chesapeake Detention Facility hold Mr. Horton in quarantine until the conclusion of his Detention Hearing.

11. Counsel respectfully requests that the Court release Mr. Horton to 24 hour home confinement with the condition that he be allowed to follow up on his medical concerns, due to CDF's negligent disregard for Mr. Horton's health and safety.

12. In light of the growing concerns regarding the COVID-19 pandemic and the lack of the safety and medical requirements provided by CDF, Mr. Horton respectfully requests that the Court set this case for a hearing in support of Mr. Horton's request to be released to 24 hour home confinement.

13. The proposed third-party custodian(s) for Mr. Horton is either, or both, his mother, Chikako Horton, and sister, Claudia Naomi Williams. Both individuals reside at 8415 Oakleigh Road, Parkville, Maryland 21234. Ms. Claudia N. Williams' phone number is (443) 846-6914. Ms. Chikako Horton's is (443) 824-1998.

WHEREFORE, the Defendant, Gary Horton, through Counsel, Ryan Burke, respectfully requests the Court to grant him a hearing and release him to home confinement until the danger of his pandemic has subsided.

Respectfully submitted,

Ryan L. Burke

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2020, a copy of the foregoing *Emergency Motion for Detention Hearing* was electronically filed with the Clerk of the United States District Court using CM/ECF.

Ryan L. Burke

Ryan L. Burke
Federal ID: 29750